

County of Loudoun
Department of Planning

MEMORANDUM

DATE: February 25, 2009

TO: Sophia Fisher, Project Manager
Land Use Review

FROM: Sarah Milin, Senior Planner *Am*
Community Planning

SUBJECT: SPEX 2008-0064 Dulles Landing – PetSmart Animal Hospital

BACKGROUND

Beatty Limited Partnership requests approval of a Special Exception to allow PetSmart to operate an Animal Hospital within the Dulles Landing shopping center, which was approved in 2007 (ZMAP 2004-0016) for the construction of up to 800,000 square feet. The Special Exception plat identifies PetSmart as "Tenant 11", occupying 20,215 square feet of space within the retail strip located along the property's eastern boundary south of the clock tower. Dulles Landing is located on the north side of Route 50, south of Evergreen Mills Road, and just west of Loudoun County Parkway (Route 606) and the Washington Dulles International Airport. It is governed under the provisions of the Revised 1993 Loudoun County Zoning Ordinance and zoned PD-CC-RC (Planned Development – Commercial Center – Regional Center).

Because no changes to the approved site design are requested, staff has not analyzed the proposal for conformance with the green infrastructure or site design policies of the Revised General Plan.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed development site is located within the Dulles Community of the Suburban Policy Area. It is governed by the Revised General Plan, as amended by the Arcola Area/Route 50 Corridor Plan (CPAM 2005-0007). The policies of the Countywide Retail Plan Amendment (Retail Plan) and the adopted Route 50 Corridor Design Guidelines also apply. The subject site is designated for Hybrid Retail Center uses with a Destination Retail Overlay (*Arcola Area/Route 50 Corridor Plan, Planned Land Use Map*).

ANALYSIS

Land Use

The Plan calls for the development of retail centers within the designated Hybrid Retail Center area that primarily serve the surrounding community, but can also include some

regional retail uses. Plan policies envision that such centers will provide for convenience and routine shopping needs (e.g., foods, pharmaceuticals, cleaners, banking) as well as some comparative and specialty goods (e.g., apparel, hardware, appliances) (*Arcola Area/Route 50 Corridor Plan, Hybrid Retail Center Policy 2*). The destination retail overlay on the subject site would also permit the development of larger-scale retail uses that offer a variety of comparative and specialty retail shopping goods and may include an entertainment component such as theaters (*Retail Plan, Corridor-Based Retail Policies, Destination Retail Policy 1*).

According to the Statement of Justification, PetSmart stores are comprised primarily of retail sales areas offering small pets, pet food, pet supplies, and pet accessories. They also customarily provide animal hospital services (approximately 60% of all stores) in partnership with Banfield, who will operate the proposed animal hospital. The Special Exception plat identifies 2,136 square feet (approximately 11% of the total building) for the proposed use towards the rear of the building. The Applicant further indicates that the facility will be designed and operated to incorporate measures to eliminate any nuisance caused by sound, odor, and/or pet wastes.

The requested use meets the definition of a retail and commercial service use and will increase the variety of services that can be provided within the approved Dulles Landing shopping center. Furthermore, animal hospitals accompanying larger pet stores such as PetSmart are typical and customary within regional retail centers such as Dulles Landing. As such, the proposed Special Exception use is generally consistent with the site's land use designation as outlined in the Revised General Plan. However, additional information should be submitted demonstrating that the proposed use will be compatible with its surroundings and will not have any deleterious impacts on the public health, safety and welfare. Staff notes that the Revised 1993 Loudoun County Zoning Ordinance does not contain specific standards regarding animal hospitals in the PD-CC-RC district. It may be appropriate to develop conditions of approval addressing the size and scope of veterinary services, unless they are otherwise covered by applicable state and/or federal requirements. For example, appropriate conditions could include the following:

- The veterinary services shall be limited to no more than 2,500 square feet;
- All activities shall take place inside the PetSmart store (i.e., no area(s) for outside exercise or training of animals such as outside runs or play areas will be provided);
- Overnight stays shall be limited to sick animals that are visiting the veterinary clinic for treatment or the occasional animal to be adopted; routine commercial boarding will not be permitted;
- The animal hospital shall comply with all regulations regarding animal facilities and animal waste disposal, including the proper disposal of deceased animals if such a service is to be provided in the proposed animal hospital; and
- Soundproofing and adequate ventilation shall be provided that provides sufficient noise attenuation for common walls between PetSmart and adjacent tenants.

Staff notes that the proffer commitments approved with ZMAP 2004-0016, Dulles Landing would apply to the proposal.

Staff finds that the proposed animal hospital is consistent with the site's land use designation as outlined in the Revised General Plan. Staff recommends that appropriate conditions of approval be developed addressing size and scope of services, noise standards, and the proper disposal of animal waste.

RECOMMENDATIONS

Community Planning staff has no issues with the proposed Special Exception. Staff recommends that information be provided and conditions of approval be developed, if appropriate, ensuring that the proposed animal hospital will be compatible with its surroundings and will not have any deleterious impacts on the public health, safety and welfare.

Staff would be happy to meet with the Applicant to discuss these issues.

cc: Julie Pastor, AICP, Planning Director
Cynthia Keegan, AICP, Program Manager – via e-mail

COUNTY OF LOUDOUN
MEMORANDUM
DEPARTMENT OF BUILDING AND DEVELOPMENT

DATE: February 4, 2009

TO: Sophia Fisher, Project Manager, Department of Planning

FROM: Teresa H. Miller, Planner, Zoning Administration

CC: Marilee Seigfried, Deputy Zoning Administrator

CASE NUMBER AND NAME: SPEX-2008-0064, Dulles Landing Animal Hospital

TAX/MAP PARCEL NUMBER: 101////////90/

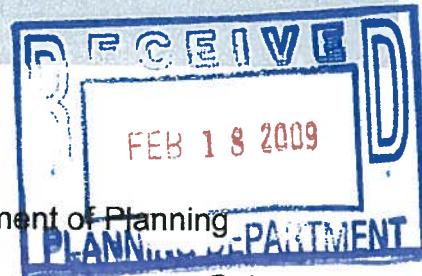
MCPI: 163-29-1069

Zoning Administration has reviewed the above referenced **Special Exception (SPEX)** application for conformance to the Revised 1993 Loudoun County Zoning Ordinance and has the following comments.

1. Please note the boarding of animals may only occur when incidental to the hospital use.
2. Update the title block to list the application number (SPEX-2008-0064). The title block should also include the special exception use – Animal Hospital.
3. The applicant may wish to consider designating the entire “PetSmart” lease area as the limits of Special Exception and include a maximum square footage for the animal hospital use. Should the animal hospital change location within the lease area, conformance to the special exception plat may be an issue.

County of Loudoun
Office of Transportation Services

MEMORANDUM



DATE: February 20, 2009

TO: Sophia Fisher, Project Manager, Department of Planning

FROM: Marc Lewis-DeGrace, Transportation Planner

THROUGH: Shaheer Assad, Senior Transportation Engineer/Planner

SUBJECT: SPEX 2008-0064 Petsmart Animal Hospital

Background

The applicant is seeking approval a Special Exception to allow the use of an animal hospital in the planned *Dulles Landing* shopping center. The site is currently zoned *Planned Development – Commercial Center – Regional Center* (PD-CC-RC). The prospective tenant; PetSmart intends to occupy a space of approximately 20,000 square feet. Part of PetSmart's business plan is to have an animal hospital in its stores; in this case the animal hospital will comprise approximately 2,100 square feet. The proposed use will have 3 exam rooms.

Existing, Planned and Programmed Roads

The location of the Dulles Landing shopping center is just west of the northwest corner of John Mosby Highway (US 50) and Loudoun County Parkway (VA 606). US Route 50 in this section is a rural 4 lane median divided roadway. The ultimate configuration for Route 50 is a rural 6 lane roadway, with an interchange at VA Route 606.

The applicant (Dulles Landing) will construct the Dulles South Boulevard to a four lane configuration along the property's frontage. The has committed to obtain right-of-way (ROW) and construct the third southbound lane of VA 606 from Dulles South Boulevard to US Route 50. The applicant has also committed to provide a financial contribution toward the construction of the interchange at US Route 50 and VA Route 606.

Existing and Forecasted Traffic Volumes and Levels of Service

Currently, the intersection of US Route 50 and VA Route 606 is a signalized intersection. Dulles South Boulevard is being constructed by others and will terminate at Loudoun County Parkway (VA Route 606) with a signalized intersection.

The Traffic Impact Analysis provided by Wells & Associates states that the proposed use of an animal hospital actually does not significantly alter the trips generated by the approved retail use. The proposed animal hospital would generate 8 more trips during the AM peak hour (68 v. 60) and 7 fewer trips during the PM peak hour (211 v. 218). The proposed use would also generate 48 fewer daily trips (2354 v. 2402) than the approved retail use.

Comments

1. OTS has no comments about this application.

Conclusion

OTS has no objection to the approval of this application.



COMMONWEALTH of VIRGINIA

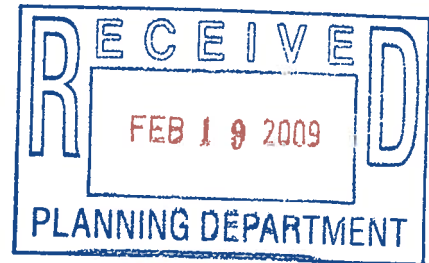
DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

February 17, 2009

Sophia Fisher, Project Manager
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000



Re: Dulles Landing – Petsmart Animal Hospital
Loudoun County Plan Number SPEX 2008-0064

Dear Ms. Fisher:

We have reviewed the above referenced application as requested in your January 21, 2009 memorandum, and we have no objection to approval of the Special Exception.

If you have any questions, please call me at (703) 383-2041.

Sincerely,

Thomas B. Walker
Senior Transportation Engineer

ATTACHMENT 1d

COUNTY OF LOUDOUN
DEPARTMENT OF ANIMAL CARE AND CONTROL
MEMORANDUM

DATE: February 5, 2009
TO: Sophia Fisher, Project Manager
FROM: Kim Miller, ^{KML} Chief Animal Control Officer
RE: SPEX 2008-0064 Dulles Landing- Petsmart Animal Hospital

Animal Care and Control have reviewed the application submitted by Beatty Limited Partnership for a Special Exception to allow an animal hospital in the PD-CC-RC district.

The application was reviewed for compliance with Chapter 808, Dog Kennels of the Loudoun County Codified Ordinances. In section 808.03, veterinary hospitals are exempt from Chapter 808.

Animal Care and Control does not have any regulatory authority relating to veterinary hospitals.



February 25, 2009

Ms. Sophia Fisher
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, VA 20177-7000

Re: SPEX – 2008-0064; Dulles Landing PetSmart Animal Hospital

Dear Ms. Fisher:

Loudoun Water has reviewed the referenced Special Exception application and offers no objection to its approval.

Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to Loudoun Water at no cost to the County or to Loudoun Water. Public water and sanitary sewer service would be contingent upon the developer's compliance with Loudoun Water's Statement of Policy; Rates, Rules and Regulations; and Design Standards.

Should you have any questions, please contact me.

Sincerely,



Julie Atwell
Engineering Administrative Specialist



Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000



Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

January 30, 2009

MEMORANDUM TO: Sophia Fisher, Project Manager MSC # 62
Planning Department, Building & Development

FROM: John P. Dayton MSC #68
Sr. Env. Health Specialist
Division Of Environmental Health

SUBJECT: **SPEX 2008-0064, Dulles Landing Petsmart**
LCTM: 101/90, PIN 163291069

This Department reviewed the package provided to this office and the plat prepared by Bohler Engineering dated **10/29/08**, and have no comment to the proposal.

If further information or clarification on the above project is required, please contact John Dayton at 737-8848.

JPD/JEL/jpd



ATTACHMENT 1g

VDH VIRGINIA
DEPARTMENT
OF HEALTH
Protecting You and Your Environment

A-10



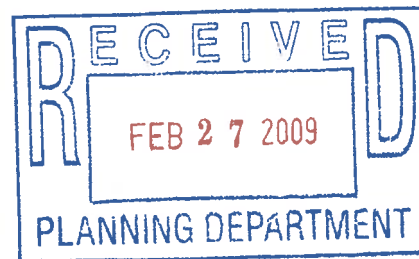
Loudoun County, Virginia
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Sophia Fisher, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: February 26, 2009
Subject: Dulles Landing – PetSmart Animal Hospital
SPEX 2008-0064



Thank you for the opportunity to review the above captioned application. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Dulles South Station 19 Travel Time
163-29-1069	PetSmart	1 minute

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	Dulles South Station 19 Response Times
PetSmart	3 minutes

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file

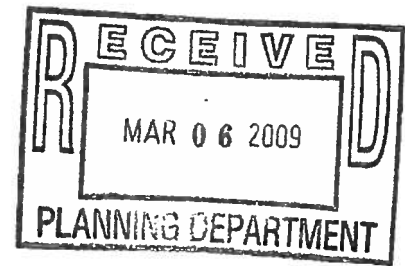
ATTACHMENT 1h

Teamwork * Integrity * Professionalism * Service

A-11



**ARCOLA-PLEASANT VALLEY
VOLUNTEER FIRE DEPARTMENT**



March 2, 2009

Ms. Maria Figueroa
Fire-Rescue Planner
Loudoun County Department of Fire, Rescue & Emergency Management
803 Sycolin Road
Suite 104; Mail Stop #61
Leesburg, VA 20175

Subject: Proffer/Contribution Comments on:
Dulles Landing – PetSmart Animal Hospital
SPEX 2008-0064

Dear Ms. Taylor:

The subject application request special exception approval in order to permit the construction of a 1,959 square foot animal hospital with-in the current PetSmart center located on the north side of Route 50, and west of Loudoun County Parkway (Route 606). The project is within the primary fire and rescue service delivery of the Arcola-Pleasant Valley Volunteer Fire Department (APVVFD) from its sub-station located on Loudoun County Parkway near Tall Cedars Parkway.

As outlined in the Statement Of Justification; Criteria For Consideration, paragraph (B); the applicant proposes a one-time contribution in the amount of \$80,000 for distribution to the Fire/Rescue companies providing primary service to the Property. We concur with the amount of contributions being offered and applaud the applicant in recognizing the necessity to support fire and rescue services through these voluntary contributions.

24300 Gum Spring Road • Arcola, VA 20107
703.327.2222 • 703.327.0373 fax
www.arcolavfd.org

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WE HEREBY REQUEST that our Department be afforded the opportunity to review and approve any documents related to fire and rescue contributions regarding this application prior to public hearings for zoning. Should you have any further questions regarding our comments, please contact me (703) 380-3378 day or (703) 406-3823 evening.

Sincerely,



Michael V. Kalasnickas, Staff Assistant and Proffer Coordinator

cc: Sophia Fisher, Project Manager, Dept. of Planning
APVVFD File

MVK/mvk

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

Page B1

APPLICATION NUMBER: _____

I, Keith C. Martin, do hereby state that I am an
____ applicant

X applicant's authorized agent listed in Section B.1. below

in application Number(s): _____
and that to the best of my knowledge and belief, the following information is true:

B. MANDATORY DISCLOSURES

1. NAMES AND ADDRESSES OF REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application. Multiple relationships may be listed together. For multiple parcels, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (listed in bold , above)
163-29-1069	Beatty Limited Partnership	6824 Elm Street, Suite 200 McLean, VA 22101	Applicant/Title Owner
	Sack Harris & Martin, PC	8270 Greensboro Drive, Suite 810 McLean, VA 22102	Agent/Attorney
	PetSmart, Inc.	19601 North 27 th Avenue Phoenix, AZ 85027	Agent
	Perkowitz & Ruth Architects *See attachment	111 W. Ocean Boulevard, 21 st Floor Long Beach, CA 90802	Agent
	Bohler Engineering VA, LLC	35 Technology Drive Warren NJ	Agent
	Hendricksen, The Care of Trees, Inc.	275C 12 th Street Wheeling, IL 60090	Agent

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

X Real Parties of Interest information is continued on an additional copy of page B-1

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

Revised May 10, 2007

ATTACHMENT 2

A-14

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

Page B1

APPLICATION NUMBER: _____

I, Keith C. Martin, do hereby state that I am an
_____ applicant

X applicant's authorized agent listed in Section B.1. below

in application Number(s): _____

and that to the best of my knowledge and belief, the following information is true:

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PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (listed in bold , above)
163-29-1069	M.J. Wells & Associates, Inc.	1420 Spring Hill Road, Suite 600 McLean, VA 22102	Agent
	Whitestone Associates, Inc.	35 Technology Drive Warren, NJ 07509	Agent

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

_____ Real Parties of Interest information is continued on an additional copy of page B-1

If multiple copies of this page are provided please indicate Page _____ of _____ pages.

A-15

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

Page B 2

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Sack Harris & Martin, P.C.

8270 Greensboro Drive, Suite 810, McLean, VA 22102

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

____ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

____ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

____ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
James M. Sack	
Robert A. Harris, IV	
Keith C. Martin	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

X Additional shareholder information is continued on an additional copy of page B-2

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

Revised May 10, 2007

A-16

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

Page B2

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

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Name and Address of Corporation (complete name, street address, city, state, zip)

Perkowitz & Ruth Architects*

111 W. Ocean Boulevard, 21st Floor, Long Beach, CA 90802

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

 There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
*See attached list	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

X Additional shareholder information is continued on an additional copy of page B-2

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

PERKOWITZ+RUTH ARCHITECTS (A California Corporation)

Corporate Office: 111 West Ocean Boulevard, 21st Floor
Long Beach, CA 90802-4653

Regional Office: 11911 Freedom Drive, Suite 1120
Reston, VA 20190

**Board of Directors
& Officers:**

Simon Perkowitz, CEO & Director
3128 Pacific Coast Highway, #22
Torrance, CA 90505

Steven Ruth, Executive Vice President & Director
1501 Georgina Avenue
Santa Monica, CA 90402

Branko Prebanda, Principal & Director
3727 Weston Place
Long Beach, CA 90807

Brian Wolfe, Principal & Director
5015 East 3rd Street
Long Beach, CA 90814

Alan Pullman, Principal & Director
343 Girard Avenue
Long Beach, CA 90814

A list of other shareholders is attached.

No Officer, Director, or Shareholder of this firm has made a contribution to any of the sitting Board members in Loudoun County.

Tarek A. Anan	05 – Associate
Ronald E. Bernhardt	04 – Associate Principal
Rene E. Boggio	05 – Associate
Michael P. Bohn	04 – Senior Associate
Winston L. Chang	04 – Senior Associate
Edmond H. Classen	05 – Associate
Gary W. Clements	02 – Principal
Jane A. Cobo	07 – Director
Wilson B. Deomampo	05 – Associate
Kirk M. Ellis	05 – Associate
Mitra B. Esfandiari	04 – Senior Associate
Victoria I. Fernandez-Hammond	07 – Director
Nicholas T. Frankart	07 – Director
Melinda E Gormley	07 – Director
Donald R. Grainger	03 – Associate Principal
Yong E. Heng	05 – Associate
Scott D. Jackson	05 – Associate
Scott M. Jackson	07 – Director
Antoinette Job	07 – Director
Alec W. Johnson	05 – Associate
Hans R. Kaufmann	05 – Associate
David W. Littman	05 – Associate
Deborah B. Loayza	05 – Associate
Marcus D. Luciani	05 – Associate
George S. Marshall	04 – Senior Associate
Deborah L. McCutchen	05 – Associate
	07 – Director
Sean P. Meehan	05 – Associate
James K. Mericle	05 – Associate
	07 – Director
Kim S. (Larry) Ong	07 – Director
Richard J. Overley	04 – Senior Associate
Simon Perkowitz	01 – Board of Directors
	02 – Principal
Steven J. Phillips	05 – Associate
	06 – Senior Director
Branko Prebanda	01 – Board of Directors
	02 – Principal
Alan W. Pullman	01 – Board of Directors
	02 – Principal
Steven J. Ruth	01 – Board of Directors
	02 – Principal
David A. Sabunas	05 – Associate
Michael D. Salmon	04 – Senior Associate

Marios A Savopoulos	02 - Principal
Joseph Serruya	05 - Associate
	07 - Director
Mary Ann Snyder	07 - Director
J. Todd Stoutenborough	02 - Principal
Stoyan D. Stoyanov	05 - Associate
Rhonda R. Taylor	07 - Director
James M Thury	05 - Associate
Donald T. Todd Jr.	05 - Associate
Ko-Liang M. Tseng	05 - Associate
Sean R. Unsell	05 - Associate
John D Vann IV	05 - Associate
Jimmy R. Villegas	05 - Associate
Bradley Williams	05 - Associate
Brian E. Wolfe	01 - Board of Directors
	02 - Principal
Ted Yoshizaki	04 - Senior Associate

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

Page B2

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Name and Address of Corporation (complete name, street address, city, state, zip)

Hendricksen, The Care of Trees

275C 12th Street, Wheeling, IL 60090

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

___ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

___ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

___ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
John R. Hendricksen	Chairman of the Board/CEO
Kenneth W. Clear	Executive Vice President
Kathleen S. Hendricksen	Vice President Corporate Services
Rex A. Bastain	VP of Technical Services
Daniel E. Brink	VP and Corp. Controller
Pamela K. Hendricksen	Secretary/Treasurer

Check if applicable:

___ Additional shareholder information is continued on an additional copy of *page B-2*

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

Page B2

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Name and Address of Corporation (complete name, street address, city, state, zip)

PetSmart, Inc.

19601 North 27th Avenue, Phoenix, AZ 85027

Description of Corporation:

☐ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☒ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
<i>PUBLICLY TRADED</i>	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☐ Additional shareholder information is continued on an additional copy of *page B-2*

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

Page B2

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

M.J. Wells & Associates, Inc. 1420 Springhill Road, Suite 600, Mclean, VA 22102

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Robin L. Antonucci	Ernest M. Eggleston
Martin M. Barna	Kevin R. Fellin
Barbara J. Blackmore	Melissa T. Hish
Christopher L. Bowyer	Admir Husadzinovic
Jennifer N. Carpenter	Agan Husadzinovic
John F. Cavan	Majdeta Husadzinovic
Maureen E. Cicciarelli	William F. Johnson
Lorrie D'Amico-Branch	Christopher L. Kabatt
Winnie F. Dadzie	Robert T. Kohler

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Martin J. Wells	President & Secretary
Terence J. Miller	Vice President & Treasurer

Check if applicable:

x Additional shareholder information is continued on an additional copy of page B-2

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

Page B2

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Name and Address of Corporation (complete name, street address, city, state, zip)

M.J. Wells & Associates, Inc. 1420 Springhill Road, Suite 600, Mclean, VA 22102

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Maria C. Lashinger	Kevin D. Sitzman
Brian J. Leljedal	Jorjean M. Stanton
Jami L. Milanovich	Christopher Turnbull
Terence J. Miller	Glenda D. Tyler
David A. Ohler	James W. Watson
John P. Perez	Martin J. Wells
Michael R. Pinkoske, Jr.	Joseph A. Winterer
Anne M. Randall	Michael J. Workosky
Lawrence E. Sefcik	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Martin J. Wells	President & Secretary
Terence J. Miller	Vice President & Treasurer

Check if applicable:

x Additional shareholder information is continued on an additional copy of page B-2

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

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Name and Address of Corporation (complete name, street address, city, state, zip)

Whitestone Associates, Inc.

35 Technology Drive, Warren, NJ 07059

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Thomas K. Uzzo	Principal
Gerard Ditrolio	CFO

Check if applicable:

☒ Additional shareholder information is continued on an additional copy of page B-2

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

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APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Bohler Engineering, PC

22630 Davis Drive, Suite 200, Sterling, VA 20164

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

___ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

___ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

___ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Ludwig H. Bohler	President and Treasurer
Lewis D. Sidorsky	Secretary

Check if applicable:

___ Additional shareholder information is continued on an additional copy of page B-2

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

Revised May 10, 2007

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DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

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APPLICATION NUMBER: _____

3. **PARTNERSHIP INFORMATION**

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address (complete name, street address, city, state, zip)

Bohler Engineering VA, LLC
35 Technology Drive, Warren, NJ 07509

☐ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)
Bohler Engineering, PC	Managing Member

Check if applicable:

☐ Additional Partnership information is included on an additional copy of page B-3.

4. One of the following options **must** be checked

☐ In addition to the names listed in paragraphs B. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in B. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☒ Additional information for Item B. 3. is included on an additional copy of page B-3.

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

Revised May 10, 2007

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DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

Page B2

APPLICATION NUMBER: _____

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address (complete name, street address, city, state, zip)

Beatty Limited Partnership
6824 Elm Street, Suite 200, McLean, VA 22101

___ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)
Guy E. Beatty	General Partner
Betty L. Beatty	Limited Partner
John M. Beatty	Limited Partner
Susan L. Beatty	Limited Partner

Check if applicable:

___ Additional Partnership information is included on an additional copy of page B-3.

4. One of the following options **must** be checked

___ In addition to the names listed in paragraphs B. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

X Other than the names listed in B. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

___ Additional information for Item B. 3. is included on an additional copy of page B-3.

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

Revised May 10, 2007

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APPLICATION NUMBER: _____

C. VOLUNTARY DISCLOSURE

1. That no member of the Loudoun County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

None.

2. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household and family, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 1% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$100 or more, singularly or in the aggregate with any of those listed in Section B, above.

EXCEPT AS FOLLOWS: (If none, so state).

None.

3. The following constitutes a listing of names and addresses of all real parties in interest in the real estate which is the subject of this application, including the names and addresses of all persons who hold a beneficial interest in the subject property, who have, within five years of the application date, contributed, by gift or donation, more than one hundred dollars to any current member of the Board of Supervisors:

NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)

____ Additional County-Official information for Item C is included on an additional page C-1.

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

DATE AFFIDAVIT IS NOTARIZED: November 3, 2008

APPLICATION NUMBER: _____

D. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Section C. above, that arise on or after the date of this application.

WITNESS the following signature:

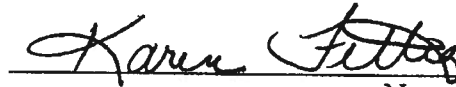


check one: [] Applicant or [✓] Applicant's Authorized Agent

Keith C. Martin

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 3rd day of November
2008, in the State/Commonwealth of Virginia, in the County/City of
Fairfax.



Notary Public

My Commission Expires: 12.31.2009



STATEMENT OF JUSTIFICATION
DULLES LANDING
(PIN #163-29-1069-000)
January 15, 2009

SPECIAL EXCEPTION

Dulles Landing, ZMAP 2004-0016, was approved on June 19, 2007 by the Board of Supervisors (Copy Teste, SOJ Attachment 1). The action rezoned PIN #163-29-1069 (the "Property") to the Planned Development – Commercial Center – Regional Center district (PD-CC-RC) to allow construction of up to 800,000 square feet. Beatty Limited Partnership, the Owner and Applicant, (the "Applicant") now wishes to obtain approval of a Special Exception for Animal Hospital pursuant to Section 4-204(D)1 of the Zoning Ordinance. All references to "Zoning Ordinance" throughout this document shall mean the Revised 1993 Loudoun County Zoning Ordinance. The Property is located on the north side of Route 50, approximately 1,000 feet west of the intersection with Route 606 (Loudoun County Parkway).

SPECIAL EXCEPTION REQUEST

Animal Hospital: The Applicant seeks approval of an Animal Hospital pursuant to Sections 4-204(B)(11) and 4-204(D)(1) of the Zoning Ordinance. PetSmart, the prospective tenant, intends to occupy a store of about 20,215 square feet in size (See Sheet 7). Comprised primarily of retail sales areas offering small pets, pet food, pet supplies, pet accessories, PetSmart stores, including the proposed store at Dulles Landing, customarily provide animal hospital services. The building program identifies 2,136 square feet for the use. The Animal Hospital use will encompass approximately 11% of the building.

The Animal Hospital use will be wholly contained within the larger PetSmart store. The facility is designed and operated to incorporate measures to eliminate any nuisance caused by sound, odor and/or pet wastes. There are no outdoor activities associated with the Animal Hospital use.

The PetSmart building will be located in the structure shown along the Eastern Property Boundary on the CDP approved as part of ZMAP 2004-0016, south of the clock tower (See Sheet 19 of the CDP, Site Design Element, Perspective 4 entitled "Northeastern retail space").

The PetSmart store layout for the Dulles Landing Shopping Center is designed to adequately serve the market area identified for this store. In order to accommodate the projected needs in the Dulles South Area, PetSmart calculates that approximately 2,136 square feet will be needed for the Animal Hospital use.

Over the past thirteen years PetSmart and Banfield, the operator of the Animal Hospital, have developed a co-brand store formula which has proven marketable and successful nationally. Currently, Banfield has animal hospitals in 60% of all PetSmart stores, or 650 facilities. The proposed store size and, thus, the size of the Animal Hospital use are based on this successful formula.

Based on the above discussion, the Applicant respectfully requests approval of this application. Approval will bring the Dulles Landing Shopping Center another step closer to becoming the destination center advocated by the residents of the Dulles South during the rezoning process and anticipated by the Land Use and Retail policies in the Comprehensive Plan.

CRITERIA FOR CONSIDERATION

- (A) *Whether the proposed Special Exception is consistent with the Comprehensive Plan.*

Approval of the Animal Hospital Special Exception use is requested by the Applicant for the Dulles Landing Shopping Center (Dulles Landing). Dulles Landing is located generally in the northwestern quadrant of the intersection of Route 50 and Route 606 (Loudoun County Parkway). During the review of ZMAP 2004-0016, Dulles Landing, it was confirmed that development on the Property is governed by the policies contained in the Revised General Plan. Found within the Dulles Community of the Suburban Policy Area adjacent to Route 50, the Property is among those considered part of the southern gateway to Loudoun County (Revised General Plan, text, pg. 4-8). The land use designation for the Property is Hybrid Retail Center with a destination retail overlay in accordance with the adoption of CPAM 2005-0007, Arcola Area/Route 50 Corridor Plan. The Plan envisions such centers as primarily serving the surrounding community with convenience and routine shopping opportunities, as well as some comparative and specialty goods (CPAM 2005-0007, Policy 2, p.7). Policy 1 of the Retail Plan suggests that the destination retail overlay allows development of larger-scale retail uses including comparative and specialty retail shopping goods (page 7).

The requested use meets the definition of retail uses, as envisioned by the Revised General Plan.

- (B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

The proposed Animal Hospital use is an integral part of Dulles Landing, approved under ZMAP 2004-0016. As such, the use will be governed by the approved Proffer Statement. Proffer II.A calls for a one-time contribution of \$80,000 to the County for distribution to the Fire and Rescue companies providing primary service to the Property. Such contribution is to be made upon the issuance of the first zoning permit for any development on the Property. Additionally, the construction of this use will be governed by all applicable local, state and federal regulations related to fire hazards and fire control.

- (C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

The Animal Hospital use proposed as part of this application is not expected to generate significant noise and will not impact uses located in the general vicinity. The proposed use will be constructed entirely within the larger PetSmart building. To further ensure the limited nature of any potential impacts, the use will be governed by the Noise Standards, Section 5-1507, contained in the Revised 1993 Zoning Ordinance.

- (D) *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

As part of Dulles Landing, the Animal Hospital use will be governed by the Proffers approved as part of ZMAP 2004-0016, Dulles Landing, and, thus, the impact is expected to fall well within acceptable levels of glare and light. The Proffers specify the following:

"Proffer VII. Lighting

A. PARKING LOT

All parking lot lighting within the retail center shall be designed with cut-off and fully shielded lighting fixtures so that light will be directed inward and downward to prevent glare on Route 50; Dulles South Boulevard (North Collector Road); Route 606 (Loudoun County Parkway); and adjacent properties. There shall be a maximum average illumination of 3 foot-candles for the parking lots.

B. EXTERIOR BUILDING

There shall be a maximum average illumination of 5 foot-candles for lighting on the exterior of buildings and security lighting. Except for lighting needed for security or maintenance, exterior lighting shall be extinguished when a use is not open for business."

The Animal Hospital use will be wholly contained within the PetSmart store, so there will not be any light or glare originating from said use.

- (E) *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

The Animal Hospital use is proposed for the Dulles Landing project recently approved by the Board of Supervisors under ZMAP 2004-0016. Dulles Landing and, thus, the use made part of this application are, as stated above, located in accordance with the land use policies of the Revised General Plan which contemplate retail uses at this location.

The parcels to the north of the Property, located across the future alignment of the Dulles South Boulevard, were also recently rezoned to the PD-CC-RC district (ZMAP 2005-0035) where similar uses will be constructed. The Property is bounded to the east by 1) an approximately 200 foot wide strip of land controlled by the Metropolitan Washington Airports Authority (MWAA) and separated from the balance of the MWAA property by the six lanes of Route 606 (the Loudoun County Parkway) and 2) the Hunter Property (MCPI #163-19-5332) which is zoned CLI and currently vacant. Route 50 separates the Property from the planned community of South Riding to the south which has a commercial component located along Route 50. Although designated as appropriate for development, the properties to the west (MCPI #163-18-0873 and 163-28-1032) are zoned CLI and currently vacant.

(F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

As part of Dulles Landing, the contemplated Animal Hospital use must comply with the approved Proffer Statement, ZMAP 2004-0016, which is excerpted below and addresses landscaping as follows:

"Proffer IV. LANDSCAPING/AMENITIES

B. LANDSCAPING

1. The Applicant shall provide landscaping materials for the Subject Property in an amount equal to or greater than five (5) percent more that required by the Zoning Ordinance. Said five (5) percent additional landscaping materials shall include canopy trees, understory trees and shrubs. The required and additional landscape tabulations shall be shown cumulatively on each site plan submitted for development on the Subject Property. Thus, upon submission of the site plan which causes the development on the Subject Property to exceed 700,000 square feet, the Applicant shall provide a tabulation indicting that the landscaping provided throughout the Subject Property is a least five (5) percent more landscaping that that required by the Zoning Ordinance."

- (G) *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.*

An integral part of Dulles Landing, the Animal Hospital use shall adhere to the Proffer Statement approved for ZMAP 2004-0016. During the rezoning process, the Applicant agreed to preserve ten (10) healthy trees and to transplant them into the Route 50 buffer/berm area from elsewhere on the Property, as evidenced by Proffer IV.C. Otherwise, no topographic, physical, scenic, archaeological or historic features of note were identified on the Property.

- (H) *Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

The Animal Hospital proposed at Dulles Landing is located in an area of the County which is identified by the Revised General Plan as appropriate for development, specifically retail development. The Property has been used as a sod farm for many years, thus, in large part, there has not been much opportunity for the establishment of animal habitat or significant vegetation. As noted above, the Applicant has agreed to preserve ten (10) trees from around the Property and transplant them to the Route 50 buffer/berm area. There are a number of old farm ponds on the Property. They are manmade and, thus, the impact on water resources is anticipated to be minimal. Construction of Dulles South Boulevard, just north of the Property, will significantly disturb the drainage area for these ponds. Further, any and all wells and drainfields on the Property will be properly abandoned.

- (I) *Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.*

Dulles Landing (ZMAP 2004-0014) is an approved retail center of up to 800,000 square feet zoned to the PD-CC-RC district. The requested Animal Hospital is a permissible use in this zoning district. Although a significant amount of retail square footage has been approved for this portion of Dulles South, not much has yet been constructed. The Applicant has signed a commitment from the tenant requesting this use. Additionally, the Applicant has over 40 years of experience in developing, building and managing successful shopping centers in the region and the Mid-Atlantic.

The location of the Dulles Landing Shopping Center is important for the convenience of the public in that it is located on the "going home" side of Route 50. Studies have shown that a shopping center is more likely to attract a greater number of drive-by trips if it is positioned on the "going home" side of a roadway. Further, providing a shopping center of this size will afford the residents of the

Dulles South area and the population at large a designation shopping center conveniently located within the boundaries of Loudoun County and alleviate the need to travel outside the jurisdiction to shop. Dulles Landing will help implement CPAM 1996-0001, "Countywide Retail Policy Plan Amendment," General Policy #2, p. 6, which states "The County seeks to capture 100% of Loudoun County's retail sales expenditures."

- (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*

The proposed Animal Hospital is requested for Dulles Landing (ZMAP 2004-0016), a retail center located on the north side of Route 50 approximately 1,000 feet west of the intersection with Route 606 (Loudoun County Parkway). A retail center at this location is in compliance with the policies of the Revised General Plan and supported by the road network contained in the County-wide Transportation Plan. Route 50 serves as the southern boundary of the Property. The future alignment of the Dulles South Boulevard generally forms the northern boundary. Via Dulles South Boulevard, access is provided to either Route 606 (Loudoun County Parkway), which runs north/south about 200 feet east of the Property, or, to the west, to the future Hutchison Farm Road, which then provides access to Route 50 at a signalized intersection. In the future, vehicles going to or leaving Dulles Landing will be served by the full interchange currently being designed by the County for the Route 50/Route 606 (Loudoun County Parkway) intersection.

In making commitments to the County through the Proffer Statement approved as part of ZMAP 2004-0016, Dulles Landing, the Applicant will contribute significantly to the construction and improvement of the surrounding road network. Specifically, in addition to constructing site generated road ways, the Applicant will construct the Dulles South Boulevard in a four lane configuration across the Property frontage; the Applicant will obtain right-of-way and construct the third southbound lane on Route 606 (Loudoun County Parkway) from the Dulles South Boulevard intersection south to Route 50; and the Applicant will make a proportionate contribution to the interchange at Route 50 and Route 606 (Loudoun County Parkway). The Applicant's regional commitments total approximately \$4 million.

As reflected on the approved CDP for ZMAP 2004-0016, Dulles Landing, entitled "Pedestrian and Vehicular Circulation Plan A," the Property will be developed with a coordinated system of pedestrian and bicycle travelways, both internal and also connected to external corridors. Further, the Proffer Statement calls for Bicycle Parking (III.H); a Bus Shelter (III.I); and a contribution toward a Park and Ride Lot/or Mass Transit Facility in the Route 50 Corridor (III.K).

- (K) *Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.*

There are no structures being proposed for reuse as part of this Special Exception request.

- (L) *Whether the proposed special exception will be served adequately by essential public facilities and services.*

Dulles Landing, the site for the proposed Animal Hospital, is found in an area of the County, based on the policies of the Revised General Plan, that will be served by public water and sewer, substantiated by the Proffer Statement (I.B). Further, public facilities and services will be available at Dulles Landing, as documented by the policies outlined in the Revised General Plan.

- (M) *The effect of the proposed special exception on groundwater supply.*

Development of the Property is not expected to impact the groundwater supply. The farm ponds located on the Property are manmade.

- (N) *Whether the proposed use will affect the structural capacity of the soils.*

Based on the technical studies performed to support the rezoning application (ZMAP 2004-0016, Dulles Landing), construction of the proposed Animal Hospital will not affect the structural capacity of the soils.

- (O) *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

As part of the recently approved rezoning of Dulles Landing (ZMAP 2004-0016), the Animal Hospital included in this request will assist in completing the regional road network in the vicinity of the Property through actual construction or cash contributions toward regional road improvements, including the interchange at Route 50 and Route 606 (Loudoun County Parkway).

- (P) *Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

The approved Dulles Landing Shopping Center (ZMAP 2004-0016), of which this Special Exception request for Animal Hospital will be part, is in conformance with the land use policies of the Revised General Plan and, as such, supports the

employment policies embodied in the Plan. It is estimated that the Property will generate approximately \$84 million in net tax revenue over a fifteen (15) year period following completion, plus regional roads and contributions.

- (Q) *Whether the proposed special exception considers the needs of agriculture, industry and businesses in future growth.*

The proposed Animal Hospital, as part of the larger Dulles Landing Shopping Center (ZMAP 2004-0016), will primarily serve industry and businesses in the area. In addition, the policies of the Revised General Plan contain a body of policies which are balanced in serving the needs of various components of the County economy, so in that respect, the requested Special Exception use serves other aspects of the economy by complying with the land use policies.

- (R) *Whether adequate on and off-site infrastructure is available.*

Proffer I.B. of the Proffer Statement approved for Dulles Landing, ZMAP 2004-0016, states that public water and sewer will be used to service the uses on site and will be extended to the Property by the Applicant, at no cost to the County or the Loudoun County Sanitation Authority.

- (S) *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*

The Animal Hospital proposed for Dulles Landing (ZMAP 2004-0016) is not expected to generate odor and will not impact uses located in the general vicinity. Further, these uses will comply with applicable local, state and federal regulations related to odor control, if any.

The Animal Hospital use will be entirely contained inside the PetSmart store. Special elements are incorporated into the design of the facility to ensure that odors are captured within the building.

- (T) *Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

The Applicant notes that the Property is located some distance from existing residential neighborhoods and schools. Since the Property is located near the intersection of Route 50 and Route 606 (Loudoun County Parkway), construction traffic access will be from regional roads and not via local roads.

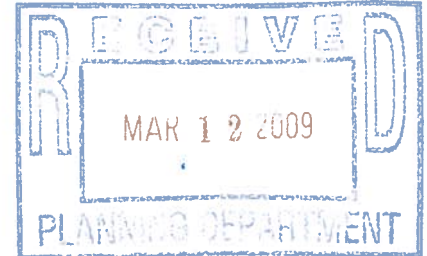
SACK HARRIS & MARTIN, P.C.

ATTORNEYS AT LAW

SUITE 810
8270 GREENSBORO DRIVE
MCLEAN, VIRGINIA 22102
TELEPHONE (703) 883-0102
FACSIMILE (703) 883-0108

Keith C. Martin
kcm@sacklaw.com

March 10, 2009



Ms. Sophia Fisher, Planner
Department of Planning
County of Loudoun
1 Harrison Street, S.E, #300
Leesburg, VA 20175

RE: SPEX 2008-0064, Dulles Landing – PetSmart Animal Hospital

Dear Ms. Fisher:

Thank you for providing copies of the comments submitted by the referral agencies with regard to the above referenced application. We have prepared responses, in table format, which may be found in the attached document entitled "Comment Responses" and dated March 10, 2009.

The Applicant looks forward to reviewing the conditions suggested by the referral agencies. In light of this, we would look forward to discussing the schedule for the Planning Commission public hearing and the Board of Supervisors public hearing.

If you should need any additional information or copies, please do not hesitate to contact me.

Sincerely,

SACK HARRIS & MARTIN, P.C.

Keith C. Martin

Enclosure

cc: John Beatty
Scott Cregger

SPEX 2008-0064
 DULLES LANDING – PetSmart

COMMENT RESPONSES
 March 10, 2009

COMMENT	RESPONSE
Dept. of Bldg & Dev. – Feb. 4, 2009	
1. Boarding of animals may only occur when incidental to the hospital use.	Acknowledged.
2. Update the Title Block to list the application number (SPEX-2008-0064). The Title Block should also include the special exception use – Animal Hospital.	Title Block updated.
3. The applicant may wish to consider designating the entire "PetSmart" lease area as the limits of Special Exception and include a maximum square footage for the animal hospital use. Should the animal hospital change location within the lease area, conformance to the special exception plat may be an issue.	Entire lease area designated as area of SPEX.
Dept. of Animal Care & Control – February 5, 2009	
1. Department as no regulatory authority	Acknowledged.
Community Planning – Feb. 25, 2009	
1. No issues with the requested Special Exception to provide animal hospital services within the approved Dulles Landing shopping center...	Acknowledged.
2. Staff recommends that appropriate conditions of approval be developed addressing size and scope of services, noise standards, and the proper disposal of animal waste.	Acknowledged.

Division of Environmental Health – January 30, 2009	
No comments to the proposal.	Acknowledged.
Dept. of Fire, Rescue and Emergency Management – February 26, 2009	
1. The Fire and Rescue Planning Staff has no objection to the application.	Acknowledged.
Loudoun Water – Feb. 25, 2009	
1. Loudoun water has reviewed the referenced application and offers no object to it's approval.	Acknowledged.
Arcola-Pleasant Valley Volunteer Fire Dept. – March 2, 2009	
We concur with the amount of contributions being offered.	Acknowledged.